

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Protection and Advocacy for People with
Disabilities, Inc.,)

C.A. No. 2:20-cv-02738-DCN

Plaintiff,)

vs.)

**AFFIDAVIT OF JENNIFER COKER,
EXECUTIVE DIRECTOR OF
ALTERNATIVE PROGRAMS AND
SERVICES**

James Alton Cannon, Jr., in his official
capacity as Charleston County Sheriff,)
Mitch Lucas, in his official capacity as)
Assistant Charleston County Sheriff,)
Willis Beatty, in his official capacity as)
Chief Deputy of the Charleston County)
Sheriff's Office, and Charleston County)
School District,)

Defendants.)

NOW COMES Jennifer Coker, who being sworn, deposes and says as follows:

1. I am Jennifer Coker. I am over the age of 18 years old.
2. I am the Executive Director of Alternative Programs and Services with the Charleston County School District ("District"). I have held this position since 2017. Previously, I was Interim Director of Alternative Programs from 2016-2017. In these positions I oversaw and directed alternative education programs for the District, including the education program at the Charleston County Juvenile Detention Center ("Center"). Prior to 2016, from 2010 to 2016, I was the Principal of Daniel Jenkins Creative Learning Center and in that capacity also served as the Principal of the education program at the Center. In total, I have over 25 years of experience as an educator and public school administrator, including serving as a special education teacher and administrator. I am a Certified Restorative Practices trainer by the International Institute of Restorative

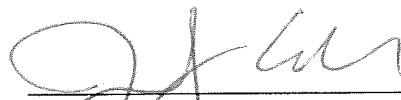
Practices, and I have a B.S. degree in Elementary Education and Learning Disabilities and a Master of Education degree in Elementary and Middle School Administration.

3. In these positions, I have been directly involved in developing, implementing, and managing the education program at the Center since 2010.
4. The education program at the Center is generally and accurately described as set forth in Exhibit A to this affidavit, "Facility/Site Proposed Narrative." The program includes education services from certified math and ELA/reading teachers, a special education teacher, a counselor, and a PE teacher. Additionally, the program includes a Parent Advocate, who facilitates communication with students' families and works directly with students' home schools to help facilitate student re-entry to their local public schools. The school day at the Center is generally offered from 8:00 a.m. to 11:30 a.m., and following lunch, from 1:00 p.m. to 3:30 p.m. For students enrolled in the District, when they are placed at the Center, they continue to be enrolled in their home school in the District, and their coursework is coordinated with their home school. Students arriving at the Center from out of the District are enrolled in a District school. Students in the program at the Center are assessed using curriculum-based measures, receive instruction based on District standards, have internet access and access to Edgenuity (a standards-aligned, video-based curriculum for middle and high school blended learning environments, such as the education program at the Center). Additionally, it is the program's practice that the individual education plans ("IEP") for students with qualifying disabilities are reviewed and substantially implemented by the program's teachers, and the Parent Advocate works with students' families and home school personnel to coordinate special education and related services, as well as IEP team meetings when necessary. Further, upon leaving the Center, students' coursework and grade report sheets are provided to the students' schools. Students receive credit for the

schoolwork they do at the Center.

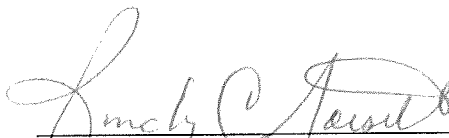
5. Neither the District nor the program at the Center has a policy or practice of denying or excluding students at the Center from appropriate educational services. On the contrary, the Parent Advocate works with the educators, parents, and personnel from other involved agencies to best ensure appropriate access to educational services and outcomes for students at the Center. The overall sufficiency and success of the program is discussed in Exhibit B attached hereto, "2019-20 Third Year Evaluation."

FURTHER AFFIANT SAYETH NAUGHT.



Jennifer Coker

SWORN TO before me this
the 13th day of August 2020



Notary Public for the State of South Carolina
My commission expires: 3/8/2026

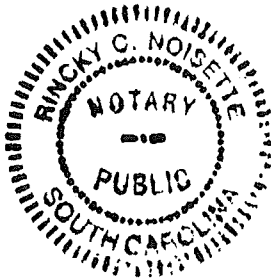


Exhibit A

South Carolina Department of Education
2019–20 LEA Programs for Neglected and Delinquent Children and Youth

Facility/Site Proposal Narrative

LEA: Charleston County School District **Facility/Site:** Charleston County Detention Center

Year: FY 2019–20

Project Number: N/A

Complete a separate proposal narrative for each facility/site as a Word document. For each numbered item, write a clear and concise description (response) of how the requested information fulfills the objectives of Title I, Part D, Sections 1421 and 1423, and the Nonregulatory Guidance for Neglected and Delinquent Education Programs. If an item is not applicable, please indicate N/A. *Responses must be entered in the box below each requested description/question.*

Provide the following:

1. Describe the program to be assisted, including a needs assessment in support of the program plan (see appendix A on page **Error! Bookmark not defined.** for guidance on content and structure).

Charleston County Juvenile Detention Center (CCJDC) serves male and female detainees who are awaiting adjudication. While detained the clients are in the custody of the Department of Juvenile Justice. The school program serves both regular and special education students. The students are offered an appropriate education through remediation and enrichment activities. The educational program has two main goals: 1) to retain students in school, 2) to facilitate a “positive transition” (once detainees leave the Detention Center). The students will be instructed in English and Math (focusing on real-life applications) throughout the day. The instructional program addresses issues related to at-risk youth by incorporating Life Skills into the curriculum. Interest Inventories will also guide students toward a realistic career (which will be explored through research and guest speakers). A small group setting is provided for the neediest students.

There are two full time teachers funded by Charleston County (GOF), a 1.0 General Education Teacher and a 1.0 Special Education Teacher. CCSD will also provide a Guidance Counselor (.1), and PE Teacher (.1).

Needs Assessment:

CCJDC served 307 students during the 2018-2019 school year. The average length of stay was 20.1 days, and 138 students stayed 10 days or fewer. Of the 307 students that completed pre-testing in reading, 86 were at least two grade levels behind. Of the 307 students that completed pre-testing in math, 118 were at least two grade levels behind. A 1.0 Teacher Assistant is needed to offer targeted assistance and intervention as a supplement to the general program to provide intensive remediation to the neediest students.

There is a high correlation between students placed in juvenile detention and high school dropout. Parent communication and assuring that students re-enroll in school or a GED program is a specific need at the CCJDC. A 1.0 Parent Advocate is needed to work with all parents and students to develop links with local social service agencies in each student's home community and school. The Parent Advocate will work directly with the student's homeschool to help facilitate his/her reentry to a local public school. During group sessions

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a 0.1 Guidance Counselor funded by GOF will focus on dropout prevention, drug and alcohol abuse, HS course requirements, GED requirements, life skills, and careers exploration activities. The Guidance Counselor provided by CCSD will also provide group and individual counseling.

Regression of skills during the summer months coupled with students already being behind in reading and math creates a need for a summer program. Students at Charleston County Juvenile Detention Center (CCJDC) will be provided a summer enrichment program focusing on academic and social skills. We will employ 2 highly qualified teachers, one parent advocate, and two teacher assistant (interventionist) for 12 days during the month of July 2019. We will employ 2 highly qualified teachers, one parent advocate, and 2 teacher assistants (interventionist) for June 2020 for 12 days.

The N&D funds will also be used to support classroom instruction by purchasing supplies and materials for summer enrichment program such as: writing journals, math manipulatives, novel sets and art supplies.

The facility does not have internet access. The N&D funds will be used to purchase WIFI services through Comcast to ensure that students have access to Alex, Achieve 3000, Khan Academy, and other educational programs.

2. Describe formal agreements regarding the program to be assisted, between the LEA and the correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system, including such facilities operated by the Secretary of the Interior and Indian tribes.

The Charleston County School District (CCSD) is responsible for the educational services provided to the school age detainees housed at the CCJDC. The students are enrolled in the public school system. They receive instruction from General Operating Fund (GOF) certified teachers from Daniel Jenkins Academy (DJA). The staff is supervised by the Principal of DJA.

- Guidance 0.1 – GOF
- PE: 0.1 – GOF
- General Education teacher: 1.0 – GOF
- Special Education teacher 1.0 – IDEA
- Principal

The Charleston County Juvenile Detention Center has agreed to allow CCSD teachers to enter their facility and to provide a location within the facility to educate the detainees. The CCJDC provides security for the students and the teachers.

3. Describe, as appropriate, how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend.

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The education program is comparable to local public schools as evidenced by: student assessment using state-wide testing such as SC Ready and End of Course (EOC) Testing. We also use standards based curriculum in English Language Arts and Math. Individual Educational Plans (IEPS) are developed and implemented in compliance with Individuals with Disabilities Act (IDEA). Students are also assessed and instructed in academic areas using the district approved on-line course system. Students receive life skills groups and physical education instruction. Although the education program functions using multi-grade classrooms, every effort is made to simulate the typical classroom experience. Students continue to be enrolled at his/her home school. Students are in school for six hours a day and staff communicates with the home school to provide work and report grades. Teachers are employed by CCSD and are certified to teach in the State of South Carolina.

The Parent Advocate and Teacher Assistant have access to CCSD Power School so that important information about students can be obtained. The Special Education Teacher also has access to EXCENT to have access to Student IEPs.

4. Describe the program operated by participating schools to facilitate the successful transition of children and youth returning from correctional facilities and, as appropriate, the types of services that these schools will provide such children and youth and other at-risk children and youth.

Students that re-enter CCJDC from other DJJ placements are added back into the School Program at CCJDC. If students are released from a DJJ placement the school district's Department of Alternative Programs reviews the case and places them in the appropriate school or program. When students are released for CCJDC they return back to the school at which they were enrolled in prior to entering CCJDC.

5. Describe

- the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be returning from correctional facilities, and, as applicable, other at-risk children and youth expected to be served by the program,
- how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth, and
- how the LEA has provided for appropriate training for teachers and other instruction and administrative personnel to enable such teachers and personnel to carry out the project effectively.

Detainees are placed at CCJDC because of legal issues in the community. We have served students at CCJDC in all areas of exceptionality. Many of the detainees are regular education students who have been charged with crimes related to substance abuse and conduct problems in their homes, public schools, and communities. The school coordinates with existing educational programs by informing each student's home school that he/she is in detention. Their attendance is reported to the home school daily. Upon discharge from the facility a packet of graded and averaged school work is forwarded to the student's home school. If a student has not been

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enrolled in a Charleston County School District School within the past school year, they are enrolled in their geographical home school. If a student is out of district, they are enrolled in a school agreed upon by the school district. If a student is in DSS custody, they are enrolled in the public school closest to the DSS office or the school where the Foster Parent residence is in the attendance zone.

The program meets their unique educational needs by providing a safe and structured environment in which to learn. The curriculum is designed to instruct the students in life and transition skills so that students will be career and/or college ready. If a student is classified as special education student, their IEP is forwarded to CCJDC from the Office of Exceptional Children and the goals and objectives are instructed by teachers certified in special education. If a student remains in CCJDC for 10 or more days, a Special Review meeting is held to amend the IEP to reflect placement in a correctional facility.

6. Describe how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, at-risk children or youth, and other participating children or youth including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility.

CCJDC provides for the medical needs of the detainees. Charleston County Department of Mental Health provides treatment to those detainees with mental health issues. The school is not involved in this level of care other than to inform CCJDC when health issues are presented by a student during instructional time.

The Parent Advocate will be available for parent meetings during Monday, Wednesday and Thursday night visitation to assist them with connections to agencies and re-entry into school when students are released.

7. Describe any partnerships with institutes of higher education or local businesses to facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as through participation in credit-bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming, and mentoring services for participating students.

Local church, career agencies, and community personnel volunteer at the facility.

8. Describe how the program will involve parents and family members in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities.

When a student enrolls that is out of district, the Parent Advocate immediately attempts to contact parents to determine home school. The Parent Advocate works with all parents and students to develop links with local social service agencies in each student's home community and school. The Parent Advocate will work directly

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with the student's home school to help facilitate his/her reentry to a local public school. During group sessions, a guidance counselor will focus on dropout prevention and careers exploration activities. The Guidance Counselor provided by CCSD will also provide group and individual counseling.

9. Describe how the program will be coordinated with other federal, state, and local programs, such as programs under Title I of Public Law 113–228 (Workforce Innovation and Opportunity Act of 2014) and career and technical education programs serving at-risk children and youth.

The school program is implemented by CCSD in compliance with policy. The school program is eligible for Title 1 funding. There are no other federal, state, or local programs operating in the CCJDC.

10. Describe how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable.

The school program is itself a response to the Juvenile Justice and Delinquency Prevention Act of 1974.

11. Describe, as appropriate, how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities.

The Parent Advocate and Principal will meet with probation officers as needed and supply records upon request. The probation officer will be invited to any Transition Meetings. The probation officers contact information will be provided to the receiving school.

12. Describe the efforts participating schools will make to ensure correction facilities working with children and youth are aware of a child's or youth's existing individualized education program.

If and when a CCJDC student is placed in a correctional facility, upon request, CCSD will provide his/her existing IEP or 504 plan. Those requests will be completed by the Data Clerk at Daniel Jenkins Academy or the Data Clerk from the home school.

13. Describe the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

When a detainee is released from detention their home school is informed. A packet of academic work completed by the detainee while in detention is graded, averaged, and forwarded to the guidance office of the home school. CCSD may not be the responsible district in the area of placement. CCSD is not the lead agency for alternative placements. The Parent Advocate may provide options on the continuum of services available in the school district and monitor and facilitate students' reentry to his/her CCSD home school. CCSD Department of Alternative Programs will make all final decisions about placement for CCSD students.

Exhibit B

**SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE)
PROGRAMS FOR NEGLECTED AND DELINQUENT YOUTH
2019–20 Third Year Evaluation**

PROGRAM AUTHORITY FOR THIRD-YEAR EVALUATION

AUTHORIZATION: IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED, PUBLIC LAW 107-110, TITLE I, PART D–PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Section 1431. Program Evaluations – Scope of Evaluation

Each state agency (SA) or local educational agency (LEA)/school district that conducts a program for children and youth who are neglected, delinquent, or at risk shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact. However, disaggregating data by category shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student

Evaluation Measures

In conducting the evaluation, an SA or LEA shall use multiple and appropriate measures of student progress.

Evaluation Results

Each SA and LEA shall submit evaluation results to the State educational agency and use the results of evaluations under this subpart to improve subsequent programs for participating children and youth.

EVALUATION DIRECTIONS:

- The three-year evaluation cycle is for school years 2015–16, 2016–17, and 2017–18
- The LEA must consult with every neglected or delinquent facility/site to coordinate the evaluation and ensure the use of data for documentation of results.
- All five evaluation components must be addressed. (*See Third Year Evaluation Form below.*)
- Evaluation data for multiple facilities/sites must be combined to form one response for each evaluation component (question). Therefore, districts will submit only one Third-Year Evaluation to the SCDE.
- **NOTE:** Districts who did not receive an N&D allocation for 2015–16, and or 2016–17 years are still required to complete the evaluation for the 2017–18 school year.
- The evaluation must be completed and *submitted* via e-mail to the SCDE by Friday, November 1, 2019, 3:30 p.m.

**SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE)
PROGRAMS FOR NEGLECTED AND DELINQUENT YOUTH
2019–20 Third Year Evaluation**

EVALUATION COMPONENTS

District Name: Charleston County Juvenile
Detention Center
Charleston County School District

Evaluation Cycle: School years 2015–16,
2016–17, and 2017–18

Date Completed: November 1, 2019

District Contact: Sonya B. Jones

Please input evaluation information in the text boxes provided. The text boxes will expand as needed. Do not alter form.

1. Summarize the program's impact on the ability of participants to maintain and improve educational achievement. Include reading and math achievement as supported by data.

All students are assessed using the Curriculum-Based Measurement (CBM) in reading, and math. CBM data enables teachers to provide targeted assistance in the core areas of math and ELA. Students are also assessed and instructed using Achieve 3000 and Edgenuity (On-line computer-based programs). Data logs are maintained on all students using Achieve 3000 and Edgenuity in order to track their progress. Edgenuity reports are run on a weekly basis to monitor students' progress. One-on-one assistance is provided as needed in math and ELA. The students' work samples are graded and maintained in individual folders and then returned to their home school upon their release. The school program serves both regular and special education students. The students are offered an appropriate education through remediation and enrichment activities. The education program has two main goals: 1) to retain students in school, 2) to facilitate a "positive transition" (once detainees leave the Detention Center). Each day teachers use CBM results to identify and pull out the neediest students. They provide targeted instructions on basic math and reading skills. Extensive performance data is kept on each student, of the 844 students served over the past three years, 23 were considered long term students; staying at the Juvenile Detention Center 90 days or more. Eventhough all students entering the Juvenile Detention Center are given pre and post test exams to determine their math and reading grade levels, the most accurate pre and post test exam data come from the long term students.

The long term students were administered bi-weekly Curriculum-Based Measurement (CBM) exams in math and reading to determine their pre and post grade levels. Reading grade levels: 3 long term students had a negative grade level change from pre-to post-test exams, 6 long terms had no change in grade level from the pre-to post-test exams, 6 long terms improved one full grade level from the pre-to post-test exams, 8 long terms improved more than one full grade level from the pre-to post-test exams. Math grade levels: 3 long terms had a negative grade level change from the pre-to post test exams. 8 long terms had no change in grade level from the pre-to post test exams. 6 long terms improved more than one full grade level from the pre-to post-test exams. 6 long terms improved more than one full grade level from the pre-to post-test exams. 52 percent of long term students improved one or more grade levels in math, and 61 percent improved one or more grade levels in reading.

**SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE)
PROGRAMS FOR NEGLECTED AND DELINQUENT YOUTH
2019–20 Third Year Evaluation**

2. Describe the program's impact on the ability of participants to accrue school credits that meet State requirements for grade promotion and secondary school graduation.

The program impacts the student's ability to meet state requirements by providing ongoing instruction in reading and math. The program has no ability to provide school credits on its own. The students' grades are returned to their home school and they can determine the amount of credit the student receives. Additionally, students may be eligible to work on Edgenuity (CCSD On-Line program) This program allows students to earn high school credits, and is currently being used throughout Charleston County School District.

3. Summarize the program's impact on the ability of participants to make the transition to a regular program or other education program operated by a local educational agency. Describe the programs or initiatives that supported the transition activity.

Students are eligible to return to their home school based on the condition of their release. The program communicates directly with the home school by providing release data and academic information. Some students are adjudicated and placed in a long term Juvenile Detention Facility, while others immediately return to their home school. The discharge is supported by forwarding students' records and reporting discharge information to the home school.

The full-time Parent Advocate works with parents and other community resources to facilitate the students' return to a regular school. During 2015-2016, 2016-2017, and 2017-2018 school year, 46.3% of students' leaving the Juvenile Detention Center returned immediately back to their home school. The other 53.7% were placed outside the jurisdiction of their home schools by DJJ or DSS. The Parent Advocate monitored the students that were placed outside their school jurisdiction to ensure that they re-enroll in their home school once they were released or returned back to the custody of their parents.

4. Describe the program's impact on the ability of participants to complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth.

Students are provided with daily targeted academic assistance while in the Juvenile Detention Center. The instruction addresses core subjects that would enable a student to return to school and continue with their education. In order to address the issue of employment the curriculum also includes instruction in life skills and social skills. Subjects that are covered include substance abuse, resume writing, interview techniques, and the importance of a good education. That instruction provides the student with information that is vital in gaining and maintaining employment.

With the addition of a Parent Advocate position, the program has been able to make referrals to other community-based resources such as mental health counselors and drug rehabilitation counselors.

**SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE)
PROGRAMS FOR NEGLECTED AND DELINQUENT YOUTH
2019–20 Third Year Evaluation**

5. Summarize, as appropriate, the program's impact on the ability of participants to participate in postsecondary education and job training programs.

While in detention the students are not free to work or participate in postsecondary education. However, students are allowed to have their home school submit their course work to the Juvenile Detention Center so that they can continue to work on their schoolwork while detained. The primary purpose of the program is to provide instruction while the student is detained. The instruction is targeted and the results are shared with the student's home schools.